

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

SUZANNA BOWLING, on behalf of himself and all
others similarly situated,

Plaintiff,

v.

JOHNSON & JOHNSON and McNEIL
NUTRITIONALS, LLC,

Defendant.

Civil Action No. 1:17-cv-03982-AJN

**REPLY DECLARATION OF FREDERICK J. KLORCZYK III IN FURTHER SUPPORT
OF PLAINTIFF’S MOTION FOR CLASS CERTIFICATION, APPOINTMENT OF
CLASS REPRESENTATIVE, AND APPOINTMENT OF CLASS COUNSEL**

I, Frederick J. Klorczyk III, declare as follows:

1. I am an attorney at law licensed to practice in the State of New York. I am a member of the bar of this Court, and I am an attorney at Bursor & Fisher, P.A., counsel of record for Plaintiff Suzanna Bowling (“Plaintiff”). I make this declaration in further support of Plaintiff’s motion for class certification. I have personal knowledge of the facts set forth in this declaration, and, if called as a witness, could and would competently testify thereto under oath.

2. Attached as **Exhibit P** are true and correct excerpts from the August 24, 2018 deposition transcript of Suzanna Bowling.

3. Attached as **Exhibit Q** are true and correct excerpts from the November 9, 2018 deposition transcript of Denise N. Martin.

4. Attached as **Exhibit R** are true and correct excerpts from the October 11, 2018 deposition transcript of Carol A. Scott.

5. Attached as **Exhibit S** are true and correct excerpts from the October 25, 2018 deposition transcript of David Reibstein.

6. Attached as **Exhibit T** are true and correct excerpts from the May 26, 2018 deposition transcript of William Twomey, taken in *Martinelli v. Johnson & Johnson*, Case No. 15-cv-01733-MCE-DB (E.D. Cal.).

7. Attached as **Exhibit U** are true and correct excerpts from the December 15, 2017 deposition transcript of Denise N. Martin, taken in *Martinelli v. Johnson & Johnson*, Case No. 15-cv-01733-MCE-DB (E.D. Cal.).

8. Attached as **Exhibit V** are true and correct excerpts from the May 24, 2017 deposition transcript of Laura Zeno, taken in *Martinelli v. Johnson & Johnson*, Case No. 15-cv-01733-MCE-DB (E.D. Cal.).

9. Attached as **Exhibit W** is a true and copy of the Research Summary for Benecol Focus Groups, marked as Bates No. MCNEIL0001569-81.

10. Attached as **Exhibit X** are true and correct excerpts from the September 6, 2018 deposition transcript of Colin Weir.

11. Attached as **Exhibit Y** are true and correct excerpts from the December 20, 2017 deposition transcript of Colin Weir, taken in *Martinelli v. Johnson & Johnson*, Case No. 15-cv-01733-MCE-DB (E.D. Cal.).

12. Attached as **Exhibit Z** are true and correct excerpts from the September 5, 2018 deposition transcript of Michael J. Dennis.

13. Attached as **Exhibit AA** are true and correct excerpts from the November 13, 2017 deposition transcript of Michael J. Dennis, taken in *Martinelli v. Johnson & Johnson*, Case No. 15-cv-01733-MCE-DB (E.D. Cal.).

14. Attached as **Exhibit BB** is Plaintiff's Renewed Notice of Motion and Motion for Class Certification and Memorandum of Law in Support Thereof Martinelli Brief from *Martinelli v. Johnson & Johnson*, Case No. 15-cv-01733-MCE-DB (E.D. Cal.).

15. I declare under penalty of perjury under the laws of the United States and the State of New York and the State of California that the foregoing is true and correct.

Executed on November 16, 2018 at Walnut Creek, California.



Frederick J. Klorczyk III